

**RECEIVED  
CENTRAL FAX CENTER****APR 27 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the Application of: **David W. Stebbings**Application No: **09/315,102**Group Art Unit: **2131**Filed: **May 20, 1999**Examiner: **Aravind K. Moorthy****For: MODULATION METHOD FOR MINIMIZING PIRATING AND/OR  
UNAUTHORIZED COPYING AND/OR UNAUTHORIZED ACCESS OF/TO  
DATA ON/FROM DATA MEDIA INCLUDING COMPACT DISCS AND  
DIGITAL VERSATILE DISCS**Attorney Docket No: **110267.111 US1****Honorable Commissioner of Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450****TERMINAL DISCLAIMER**

Recording Industry Association of America certifies that it is the owner of the entire right, title and interest in Application No. 09/315,102, filed May 20, 1999, entitled "MODULATION METHOD FOR MINIMIZING PIRATING AND/OR UNAUTHORIZED COPYING AND/OR UNAUTHORIZED ACCESS OF/TO DATA ON/FROM DATA MEDIA INCLUDING COMPACT DISCS AND DIGITAL VERSATILE DISCS" (hereafter the "above-identified application") by virtue of an assignment recorded in the U.S. Patent and Trademark Office on October 15, 1999, at Reel 010307, Frame 00967.

Recording Industry Association of America certifies that it is the owner of the entire right, title and interest in Application No. 09/315,104, filed May 20, 1999, entitled "DATA DISC MODULATION FOR MINIMIZING PIRATING AND/OR UNAUTHORIZED COPYING AND/OR UNAUTHORIZED ACCESS OF/TO DATA ON/FROM DATA MEDIA INCLUDING COMPACT DISCS AND DIGITAL VERSATILE DISCS (PIT DEPTH, WIDTH, TRACK MODULATION)", issued as U.S. Patent No. 6,636,689 on October 21, 2003, by virtue

US1 DOCS 5629664v1

Response under 37 CFR § 1.111  
Application No. 09/315,102  
Page 2 of 2

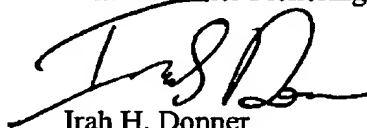
of an assignment recorded in the U.S. Patent and Trademark Office on August 3, 1999, at Reel 010137, Frame 0570.

Pursuant to 37 C.F.R. § 1.321, Recording Industry Association of America hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,636,689 and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,636,689, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Recording Industry Association of America does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,636,689, in the event that U.S. Patent No. 6,636,689 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



Irah H. Donner  
Registration No. 35,120

399 Park Avenue  
New York, NY 10022  
TEL (212) 230-8887  
FAX (212) 230-8888

Date: 4/27/06  
IHD/tes